



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Carolyn Jean Cupp, et al..
Appl. No.: 10/052,949
Filed: January 17, 2002
Title: DENTAL CARE PET FOOD
Art Unit: 1761
Examiner: Keith Hendricks
Docket No.: 0112701-332

Commissioner for Patents
P.O. Box 1450
Mail Stop Petition
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT IN ACCORDANCE
WITH M.P.E.P. § 711.03 and 37 C.F.R. § 1.181**

Sir:

Applicants received a Notice of Abandonment which was mailed by the Patent Office on January 27, 2004 for failure to respond to the Office Action mailed June 18, 2003. However, Applicants timely responded to the Office Action on December 18, 2003 with a Petition for a Three Month Extension of Time, Check in the Amount of \$950.00 for the extension, Notice of Appeal and a check in the amount of \$330.00 for the appeal. The Patent and Trademark Office submitted both checks to the U.S. Treasury. Thus, Applicants request that the holding of abandonment be withdrawn.

A proper reply to a final rejection under 37 CFR 1.113 consists of a timely filed Notice of Appeal with the Appeal Fee. Applicants timely submitted a Notice of Appeal on December 18, 2003, including the Appeal Fee of \$330.00, as well as the Petition for Three Month Extension of Time. Enclosed is a copy of the postcard submitted with the Notice of Appeal which was stamped by the Patent Office showing that the Patent Office received the Notice of Appeal and the accompanying documents on December 22, 2003. Also enclosed is a copy of the Transmittal Letter submitted with the Notice of Appeal which includes a certificate of mailing stating that the Notice of Appeal was submitted to the Patent Office on December 18, 2003. Therefore, Applicants respectfully submit that the patent application is not abandoned. Applicants request

that the abandonment of this application be withdrawn because a proper reply under 37 CFR 1.113 was timely filed.

Copies of all documents submitted with the Notice of Appeal are enclosed, including the following:

1. Stamped Postcard
2. Petition for Extension of Time to File Notice of Appeal, including Certificate of Mailing
3. Notice of Appeal, including Certificate of Mailing
4. Copy of check no. 20579 for \$330.00 and canceled check no. 20579
5. Copy of check no. 20581 for \$950.00 and canceled check no. 20581

Applicants believe that no fee is due for this petition under 37 C.F.R. §1.181 and M.P.E.P. §711.03 because the Notice of Abandonment was erroneously mailed by the Patent Office. However, please charge Deposit Account No. 02-1818 for any petition fee and any other fees which may be required, or credit any overpayment to Deposit Account No. 02-1818.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY: 

Robert M. Barrett
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Phone: (312) 807-4204

DATED: February 5, 2004

In Re Application of: Cupp et al.

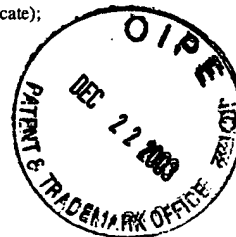
Serial No.: 10/052,949

Attorney Docket No.: 112701-332

On the date stamped hereon the U.S. Patent and Trademark Office hereby acknowledges the receipt of the following:

1. Petition for Three Month Extension of Time (1 page) (duplicate);
2. Check in the Amount of \$950.00 (Extension Fee);
3. Notice of Appeal (1 page) (duplicate); and
4. Check in the Amount of \$330.00 (Appeal Fee).

Mailed on December 18, 2003



REC-
BELL, F
INTERFERENCE

DEC 22 2003

ATTY _____
DOCKET # _____

**PETITION FOR EXTENSION OF TIME TO FILE
NOTICE OF APPEAL (Large Entity)**

Docket No.
112701-332

In Re Application Of: **Cupp et al.**

FEB 09 2004

Serial No.
10/052,949

Filing Date
January 17, 2002

Examiner
K. Hendricks

Group Art Unit
1761

Invention:
DENTAL CARE PET FOOD

TO THE COMMISSIONER FOR PATENTS:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of **June 18, 2003** in the above-identified application.
Date

The requested extension is as follows (check time period desired):

☐ One month ☐ Two months ☒ Three months ☐ Four months ☐ Five months

from: **September 18, 2003**
Date

until: **December 18, 2003**
Date

The fee for the extension of time is **\$950** and is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No.

02-1818


Signature

Dated: **December 18, 2003**

**Robert M. Barrett (30,142)
Attorneys for Applicants
BELL, BOYD & LLOYD LLC
P.O. Box 1135
Chicago, Illinois 60690-1135**

I certify that this document and fee is being deposited on **12/18/2003** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Signature of Person Mailing Correspondence

Renee Street

Typed or Printed Name of Person Mailing Correspondence

cc: